

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

Case No. RN 2006-1300

**DIANE ELIZABETH GEORGE, aka
DIANE ELIZABETH OLIVERSON**
809 W. Lincoln Avenue
Woodland, CA 95695

Registered Nurse License No. 481913


Respondent

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on December 23, 2008.

IT IS SO ORDERED December 23, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGERT
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-6292
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against:

13 **DIANE ELIZABETH GEORGE, aka**
DIANE ELIZABETH OLIVERSON
14 809 W. Lincoln Avenue
Woodland, CA 95695

15 Registered Nurse License No. 481913,

16 Respondent.

Case No. RN 2006-1300

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 In the interest of a prompt and speedy resolution of this matter, consistent with the
18 public interest and the responsibility of the Board of Registered Nursing ("Board"), the parties
19 hereby agree to the following Stipulated Surrender of License and Order which will be submitted
20 to the Board for approval and adoption as the final disposition of the Accusation/Petition to
21 Revoke Probation.

22 **PARTIES**

23 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
26 by Jeffrey M. Phillips, Deputy Attorney General.

27 2. Diane Elizabeth George (Respondent) is represented in this proceeding by
28 attorney Ron Kaldor, whose address is 455 Capitol Mall, Suite 410, Sacramento, CA 95814.

3. On or about August 31, 1992, the Board of Registered Nursing issued Registered Nurse License No. RN 481913 to Diane Elizabeth George (Respondent). The was in full force and effect at all times relevant to the charges brought in Accusation/Petition to Revoke Probation No. RN 2006-1300 and will expire on June 30, 2008, unless renewed.

JURISDICTION

4. The Accusation/Petition to Revoke Probation No. RN 2006-1300 was filed before the Board, and is currently pending against Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on June 28, 2007. Respondent timely filed her Notice of Defense contesting the Accusation/Petition to Revoke Probation. A copy of Accusation/Petition to Revoke Probation No. RN 2006-1300 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation/Petition to Revoke Probation No. RN 2006-1300. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation/Petition to Revoke Probation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation/Petition to Revoke Probation No. RN 2006-1300, agrees that cause exists for
4 discipline and hereby surrenders her Registered Nurse License No. RN 481913 for the Board's
5 formal acceptance.

6 9. Respondent understands that by signing this stipulation she enables the
7 Board to accept the surrender of her Registered Nurse License without further process.

8 RESERVATION

9 10. The admissions made by Respondent herein are only for the purposes of
10 this proceeding, or any other proceedings in which the Board or other professional licensing
11 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

12 CONTINGENCY

13 11. The parties understand and agree that facsimile copies of this Stipulated
14 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
15 and effect as the originals.

16 12. In consideration of the foregoing admissions and stipulations, the parties
17 agree that the Board may, without further notice or formal proceeding, issue and enter the
18 following Order:

19 ORDER

20 IT IS HEREBY ORDERED that Registered Nurse License No. RN 481913,
21 issued to Respondent Diane Elizabeth George is surrendered and accepted by the Board.

22 13. The surrender of Respondent's Registered Nurse License and the
23 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
24 against Respondent. This stipulation constitutes a record of the discipline and shall become a
25 part of Respondent's license history with the Board.

26 14. Respondent shall lose all rights and privileges as a registered nurse in
27 California as of the effective date of the Board's Decision and Order.

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1 15. Respondent shall cause to be delivered to the Board both her wall and
2 pocket license certificate on or before the effective date of the Decision and Order.

3 16. Respondent fully understands and agrees that if she ever files an
4 application for licensure or a petition for reinstatement in the State of California, the Board shall
5 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
6 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
7 and all of the charges and allegations contained in Accusation/Petition to Revoke Probation No.
8 RN 2006-1300 shall be deemed to be true, correct and admitted by Respondent when and if the
9 Board determines whether to grant or deny the petition.

10 17. Upon reinstatement of the license, Respondent shall pay to the Board costs
11 associated with its investigation and enforcement pursuant to Business and Professions Code
12 section 125.3 in the amount of \$3,783.50 in addition to paying off the unpaid balance of the
13 agreed amount of \$5,000 in costs associated with Respondent's prior disciplinary case (Case No.
14 2005-206) . Respondent shall be permitted to pay these costs in a payment plan approved by the
15 Board.

16 18. Should Respondent ever apply or reapply for a new license or certification,
17 or petition for reinstatement of a license, by any other health care licensing agency in the State of
18 California, all of the charges and allegations contained in Accusation/Petition to Revoke
19 Probation shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
20 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

21 19. Respondent shall not apply for licensure or petition for reinstatement for
22 three (3) years from the effective date of the Board's Decision and Order.

23 20. Respondent shall pay the Board its costs of investigation and enforcement
24 prior to issuance of a new or reinstated license.

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1 ACCEPTANCE


2 I have carefully read the above Stipulated Surrender of License and Order and
3 have fully discussed it with my attorney, Ron Kaldor. I understand the stipulation and the effect
4 it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License
5 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
6 Order of the Board of Registered Nursing.

7 DATED: 08/15/08

8 
9 Diane Elizabeth George (Respondent)
Respondent

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11 I have read and fully discussed with Respondent Diane Elizabeth George the
12 terms and conditions and other matters contained in this Stipulated Surrender of License and
13 Order. I approve its form and content.

14 DATED: 8/19/08

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16 RON KALDOR
Attorney for Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully
19 submitted for consideration by the Board of Registered Nursing.

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21 DATED: 9-15-08

22 EDMUND G. BROWN JR., Attorney General
of the State of California
23 ARTHUR D. TAGGERT
Supervising Deputy Attorney General

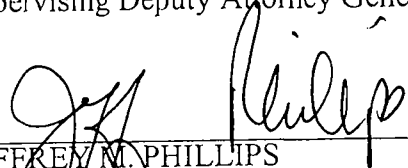
24 
25 JEFFREY M. PHILLIPS
26 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation/Petition to Revoke Probation No. RN 2006-1300

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Lead Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
4 California Department of Justice
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6 Telephone: (916) 324-6292
Facsimile: (916) 322-8288

7 Attorneys for Complainant/Petitioner

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation and Petition to
Revoke Probation Against:

13 **DIANE ELIZABETH GEORGE, aka**
14 **DIANE ELIZABETH OLIVERSON**
809 W. Lincoln Avenue
Woodland, CA 95695

15 Registered Nurse License No. 481913,

16 Respondent.

Case No. RN 2006-1300

ACCUSATION AND
PETITION TO REVOKE
PROBATION

17
18 Complainant/Petitioner alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant/Petitioner") brings
21 this Accusation and Petition to Revoke Probation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

23 2. On or about August 31, 1992, the Board of Registered Nursing ("Board")
24 issued Registered Nurse License No. 481913 to Diane Elizabeth George, also known as
25 Diane Elizabeth Oliverson ("Respondent"). The license will expire on June 30, 2008,
26 unless renewed.

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Case No. 2005-206

3. On June 5, 2006, in the disciplinary action entitled "*In the Matter of the Accusation Against: Diane Elizabeth George, Registered Nurse License No. 481913*," the Board issued a Decision and Order in the Stipulated Settlement and Disciplinary Order in Case No. 2005-206, revoking Registered Nurse License Number 481913. However, the revocation was stayed and Registered Nurse License Number 481913 was placed on probation for a period of three (3) years under the following pertinent terms and conditions:

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. . . .

3. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. . . .

13. **Violation of Probation.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. . . .

17. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall completely abstain from the possession, injection or consumption by any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment

18. **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board... . . .

1 If Respondent has a positive drug screen for any
2 substance not legally authorized and not reported to the
3 coordinating physician, nurse practitioner, or physician assistant,
4 and the Board files a petition to revoke probation or an accusation,
5 the Board may suspend Respondent from practice pending the final
6 decision on the petition to revoke probation or the accusation. This
7 period of suspension will not apply to the reduction of this
8 probationary time period.

9 ...
10 4. A copy of the Decision and Order, Stipulated Settlement and
11 Disciplinary Order, Accusation, and related documents in Case No. 2005-206 are
12 attached hereto as "Exhibit A" and are incorporated herein by reference.

13 JURISDICTION

14 5. Section 2750 of the Business and Professions Code ("Code") provides:

15 Every certificate holder or licensee, including licensees
16 holding temporary licenses, or licensees holding licenses placed
17 in an inactive status, may be disciplined as provided in this
18 article [Article 3 of the Nursing Practice Act (Bus. & Prof.
19 Code, § 2700 et seq.)]. As used in this article, 'license'
20 includes certificate, registration, or any other authorization to
21 engage in practice regulated by this chapter. The proceedings
22 under this article shall be conducted in accordance with
23 Chapter 5 (commencing with Section 11500) of Part 1 of
24 Division 3 of Title 2 of the Government Code [the
25 Administrative Procedure Act], and the board shall
26 have all the powers granted therein.

27 STATUTORY PROVISIONS

28 6. Code section 2762 provides, in pertinent part:

In addition to other acts constituting unprofessional conduct
within the meaning of this chapter [the Nursing Practice Act], it is
unprofessional conduct for a person licensed under this chapter
to do any of the following:

(a) Obtain or possess in violation of law, or prescribe,
or except as directed by a licensed physician and surgeon,
dentist, or podiatrist administer to himself or herself, or furnish
or administer to another, any controlled substance as defined in
Division 10 (commencing with Section 11000) of the Health
and Safety Code or any dangerous drug or dangerous device
as defined in Section 4022.

7. Code section 4022 provides:

(a) Any drug that bears the legend: "Caution: federal law
prohibits dispensing without prescription," "Rx only," or words of
similar import.

1 (b) Any device that bears the statement: "Caution:
2 federal law restricts this device to sale by or on the order of a
3 _____," "Rx only," or words of similar import, the blank
to be filled in with the designation of the practitioner licensed
to use or order use of the device.

4 (c) Any other drug or device that by federal or state
5 law can be lawfully dispensed only on prescription or furnished
pursuant to Section 4006.

6 8. Code section 4060 provides:

7 No person shall possess any controlled substance, except
8 that furnished to a person upon the prescription of a physician,
dentist, podiatrist, optometrist, veterinarian, or naturopathic
9 doctor pursuant to Section 3640.7, or furnished pursuant to a
drug order issued by a certified nurse-midwife pursuant to
10 Section 2746.51, a nurse practitioner pursuant to Section 2836.1,
a physician assistant pursuant to Section 3502.1, a naturopathic
11 doctor pursuant to Section 3640.5, or a pharmacist pursuant
to either subparagraph (D) of paragraph (4) of, or clause (iv)
12 of subparagraph (A) of paragraph (5) of, subdivision (a) of
Section 4052. This section shall not apply to the possession
of any controlled substance by a manufacturer, wholesaler,
13 pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
veterinarian, naturopathic doctor, certified nurse- midwife, nurse
14 practitioner, or physician assistant, when in stock in containers
correctly labeled with the name and address of the supplier
15 or producer.

16 9. Code section 125.3 provides that the Board may request the administrative
17 law judge to direct a licentiate found to have committed violation(s) of the licensing act to pay a
18 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

19 REGULATORY PROVISIONS

20 10. California Code of Regulations, title 16, section 1444, provides, in
21 pertinent part:

22 A conviction or act shall be considered to be substantially
23 related to the qualifications, functions or duties of a registered
nurse if to a substantial degree it evidences the present or
24 potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare.

25 DRUGS

26 11. "Darvon (Propoxyphene)" is a trade name for Hydrocodone Bitartrate,
27 and is a Schedule II controlled substance pursuant to Health and Safety Code section 11055,
28 subdivision (b)(1)(J), and a dangerous drug within the meaning of Code section 4022.

22, 2006, failed to abstain from the injection or consumption of psychotropic (mood-altering) drugs (Darvon), as more particularly set forth under paragraphs 12(a) and 12(b) above.


d. Condition #18: Submit to Tests and Samples. The Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation, in that Respondent had a positive drug screen as evidenced by her positive tests for alcohol on September 19, 2005, October 12, 2006, October 25, 2006, and April 26, 2007.

PRAYER

WHEREFORE, Complainant/Petitioner requests that a hearing be held on the matters herein alleged, and that following the hearing the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 481913, issued to Diane Elizabeth George, also known as Diane Elizabeth Oliverson,
2. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 2005-206 and imposing the disciplinary order that was stayed, thereby revoking Registered Nurse License No. 481913 issued to Diane Elizabeth George, also known as Diane Elizabeth Oliverson;
3. Ordering Diane Elizabeth George, also known as Diane Elizabeth Oliverson to pay the reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: 6/28/07



RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant/Petitioner

Exhibit A

**Decision and Order, Stipulated Settlement and Disciplinary Order,
Accusation, and related documents in Case No. 2005-206**

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

DIANE ELIZABETH GEORGE
1015 Fulton Ave, #132
Sacramento, CA 95825

Registered Nurse License No. 481913

Respondent.

Case No. 2005-206

OAH No. N2005110189

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 5, 2006.

It is so ORDERED MAY 5, 2006.

LaFrancine W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-6292
Facsimile: (916) 327-8643

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2005-206

11 DIANE ELIZABETH GEORGE
1015 Fulton Ave, #132
12 Sacramento, CA 95825

OAH No. N2005110189

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Registered Nurse License No. 481913

14 Respondent.

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16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Jeffrey
23 M. Phillips, Deputy Attorney General.

24 2. Respondent DIANE ELIZABETH GEORGE (Respondent) is represented
25 in this proceeding by attorney Ron Kaldor, whose address is 455 Capitol Mall, Suite 410
26 Sacramento, CA 95814.

27 3. On or about August 31, 1992, the Board of Registered Nursing issued
28 Registered Nurse License No. 481913 to DIANE ELIZABETH GEORGE (Respondent). The

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2005-206 and will expire on June 30, 2006, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2005-206 was filed before the Board of Registered
5 Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on July 19, 2005. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 2005-206 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2005-206. Respondent has also
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2005-206.

26 9. Respondent agrees that her Registered Nurse License is subject to
27 discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition
28 of discipline as set forth in the Disciplinary Order below.

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1 **Severability Clause.** Each condition of probation contained herein is a separate
2 and distinct condition. If any condition of this Order, or any application thereof, is declared
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
5 and enforceable to the fullest extent permitted by law.

6 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
7 A full and detailed account of any and all violations of law shall be reported by Respondent to
8 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
9 compliance with this condition, Respondent shall submit completed fingerprint forms and
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
11 as part of the licensure application process.

12 2. **Criminal Court Orders:** If Respondent is under criminal court orders,
13 including probation or parole, and the order is violated, this shall be deemed a violation of these
14 probation conditions, and may result in the filing of an accusation and/or petition to revoke
15 probation.

16 3. **Comply with the Board's Probation Program.** Respondent shall fully
17 comply with the conditions of the Probation Program established by the Board and cooperate
18 with representatives of the Board in its monitoring and investigation of the Respondent's
19 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
20 within no more than 15 days of any address change and shall at all times maintain an active,
21 current license status with the Board, including during any period of suspension. Upon
22 successful completion of probation, Respondent's license shall be fully restored.

23 4. **Report in Person.** Respondent, during the period of probation, shall
24 appear in person at interviews/meetings as directed by the Board or its designated
25 representatives.

26 5. **Residency, Practice, or Licensure Outside of State.** Periods of
27 residency or practice as a registered nurse outside of California shall not apply toward a reduction
28 of this probation time period. Respondent's probation is tolled, if and when she resides outside

1 of California. Respondent must provide written notice to the Board within 15 days of any change
2 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
3 returning to practice in this state.

4 Respondent shall provide a list of all states and territories where she has ever been
5 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
6 provide information regarding the status of each license and any changes in such license status
7 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
8 new nursing license during the term of probation.

9 **6. Submit Written Reports.** Respondent, during the period of probation,
10 shall submit or cause to be submitted such written reports/declarations and verification of actions
11 under penalty of perjury, as required by the Board. These reports/declarations shall contain
12 statements relative to Respondent's compliance with all the conditions of the Board's Probation
13 Program. Respondent shall immediately execute all release of information forms as may be
14 required by the Board or its representatives.

15 Respondent shall provide a copy of this Decision to the nursing regulatory agency
16 in every state and territory in which she has a registered nurse license.

17 **7. Function as a Registered Nurse.** Respondent, during the period of
18 probation, shall engage in the practice of registered nursing in California for a minimum of 24
19 hours per week for 6 consecutive months or as determined by the Board.

20 For purposes of compliance with the section, "engage in the practice of registered
21 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
22 work in any non-direct patient care position that requires licensure as a registered nurse.

23 If Respondent has not complied with this condition during the probationary term,
24 and Respondent has presented sufficient documentation of her good faith efforts to comply with
25 this condition, and if no other conditions have been violated, the Board, in its discretion, may
26 grant an extension of Respondent's probation period up to one year without further hearing in
27 order to comply with this condition. During the one year extension, all original conditions of
28 probation shall apply.

1 8. **Employment Approval and Reporting Requirements.** Respondent
2 shall obtain prior approval from the Board before commencing or continuing any employment,
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.
10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
11 terminated or separated, regardless of cause, from any nursing, or other health care related
12 employment with a full explanation of the circumstances surrounding the termination or
13 separation.

14 9. **Supervision.** Respondent shall obtain prior approval from the Board
15 regarding Respondent's level of supervision and/or collaboration before commencing or
16 continuing any employment as a registered nurse, or education and training that includes patient
17 care.

18 Respondent shall practice only under the direct supervision of a registered nurse
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
21 are approved.

22 Respondent's level of supervision and/or collaboration may include, but is not
23 limited to the following:

24 (a) Maximum - The individual providing supervision and/or collaboration is
25 present in the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in
27 the patient care unit or in any other work setting at least half the hours Respondent works.

28 ///

1 (c) Minimum - The individual providing supervision and/or collaboration has
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 10. **Employment Limitations.** Respondent shall not work for a nurse's
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse
14 unless the registered nursing supervision and other protections for home visits have been
15 approved by the Board. Respondent shall not work in any other registered nursing occupation
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the
25 Board may request documentation to determine whether there should be restrictions on the hours
26 of work.

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1 11. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
2 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
3 than six months prior to the end of her probationary term.

4 Respondent shall obtain prior approval from the Board before enrolling in the
5 course(s). Respondent shall submit to the Board the original transcripts or certificates of
6 completion for the above required course(s). The Board shall return the original documents to
7 Respondent after photocopying them for its records.

8 12. **Cost Recovery.** Respondent shall pay to the Board costs associated with
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of **\$5,000.00**. Respondent shall be permitted to pay these costs in a payment plan
11 approved by the Board, with payments to be completed no later than three months prior to the
12 end of the probation term.

13 If Respondent has not complied with this condition during the probationary term,
14 and Respondent has presented sufficient documentation of her good faith efforts to comply with
15 this condition, and if no other conditions have been violated, the Board, in its discretion, may
16 grant an extension of Respondent's probation period up to one year without further hearing in
17 order to comply with this condition. During the one year extension, all original conditions of
18 probation will apply.

19 13. **Violation of Probation.** If Respondent violates the conditions of her
20 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
21 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
22 license.

23 If during the period of probation, an accusation or petition to revoke probation has
24 been filed against Respondent's license or the Attorney General's Office has been requested to
25 prepare an accusation or petition to revoke probation against Respondent's license, the
26 probationary period shall automatically be extended and shall not expire until the accusation or
27 petition has been acted upon by the Board.

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1 14. **License Surrender.** During Respondent's term of probation, if she ceases
2 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
3 probation, Respondent may surrender her license to the Board. The Board reserves the right to
4 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
5 take any other action deemed appropriate and reasonable under the circumstances, without
6 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
7 will no longer be subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and
9 shall become a part of Respondent's license history with the Board. A registered nurse whose
10 license has been surrendered may petition the Board for reinstatement no sooner than the
11 following minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any
13 reason other than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 15. **Physical Examination.** Within 45 days of the effective date of this
16 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
17 physician assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the Respondent's physical condition and capability to perform the duties of a
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
20 medically determined, a recommended treatment program will be instituted and followed by the
21 Respondent with the physician, nurse practitioner, or physician assistant providing written
22 reports to the Board on forms provided by the Board.

23 If Respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed physician, nurse practitioner, or physician assistant making this determination shall
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
27 shall immediately cease practice and shall not resume practice until notified by the Board.
28 During this period of suspension, Respondent shall not engage in any practice for which a license

1 issued by the Board is required until the Board has notified Respondent that a medical
2 determination permits Respondent to resume practice. This period of suspension will not apply
3 to the reduction of this probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
6 practice until notified by the Board. This period of suspension will not apply to the reduction of
7 this probationary time period. The Board may waive or postpone this suspension only if
8 significant, documented evidence of mitigation is provided. Such evidence must establish good
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
10 provided. Only one such waiver or extension may be permitted.

11 **16. Participate in Treatment/Rehabilitation Program for Chemical**
12 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
13 period or shall have successfully completed prior to commencement of probation a Board-
14 approved treatment/rehabilitation program of at least six months duration. As required, reports
15 shall be submitted by the program on forms provided by the Board. If Respondent has not
16 completed a Board-approved treatment/rehabilitation program prior to commencement of
17 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
18 a program. If a program is not successfully completed within the first nine months of probation,
19 the Board shall consider Respondent in violation of probation.

20 Based on Board recommendation, each week Respondent shall be required to
21 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
22 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
23 by the Board. If a nurse support group is not available, an additional 12-step meeting or
24 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
25 such attendance to the Board during the entire period of probation. Respondent shall continue
26 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
27 mental health examiner and/or other ongoing recovery groups.

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1 17. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
2 shall completely abstain from the possession, injection or consumption by any route of all
3 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
4 the same are ordered by a health care professional legally authorized to do so as part of
5 documented medical treatment. Respondent shall have sent to the Board, in writing and within
6 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
7 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
8 medication will no longer be required, and the effect on the recovery plan, if appropriate.

9 Respondent shall identify for the Board a single physician, nurse practitioner or
10 physician assistant who shall be aware of Respondent's history of substance abuse and will
11 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
12 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
13 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
14 condition. If any substances considered addictive have been prescribed, the report shall identify a
15 program for the time limited use of any such substances.

16 The Board may require the single coordinating physician, nurse practitioner, or
17 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
18 addictive medicine.

19 18. **Submit to Tests and Samples.** Respondent, at her expense, shall
20 participate in a random, biological fluid testing or a drug screening program which the Board
21 approves. The length of time and frequency will be subject to approval by the Board.
22 Respondent is responsible for keeping the Board informed of Respondent's current telephone
23 number at all times. Respondent shall also ensure that messages may be left at the telephone
24 number when she is not available and ensure that reports are submitted directly by the testing
25 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
26 to the Board by the program and Respondent shall be considered in violation of probation.

27 In addition, Respondent, at any time during the period of probation, shall fully
28 cooperate with the Board or any of its representatives, and shall, when requested, submit to such

1 tests and samples as the Board or its representatives may require for the detection of alcohol,
2 narcotics, hypnotics, dangerous drugs, or other controlled substances.

3 If Respondent has a positive drug screen for any substance not legally authorized
4 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
5 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
6 from practice pending the final decision on the petition to revoke probation or the accusation.
7 This period of suspension will not apply to the reduction of this probationary time period.

8 If Respondent fails to participate in a random, biological fluid testing or drug
9 screening program within the specified time frame, Respondent shall immediately cease practice
10 and shall not resume practice until notified by the Board. After taking into account documented
11 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
12 Board may suspend Respondent from practice pending the final decision on the petition to
13 revoke probation or the accusation. This period of suspension will not apply to the reduction of
14 this probationary time period.

15 **19. Mental Health Examination.** Respondent shall, within 45 days of the
16 effective date of this Decision, have a mental health examination including psychological testing
17 as appropriate to determine her capability to perform the duties of a registered nurse. The
18 examination will be performed by a psychiatrist, psychologist or other licensed mental health
19 practitioner approved by the Board. The examining mental health practitioner will submit a
20 written report of that assessment and recommendations to the Board. All costs are the
21 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
22 result of the mental health examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed mental health care practitioner making this determination shall immediately notify
25 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
6 practice until notified by the Board. This period of suspension will not apply to the reduction of
7 this probationary time period. The Board may waive or postpone this suspension only if
8 significant, documented evidence of mitigation is provided. Such evidence must establish good
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
10 provided. Only one such waiver or extension may be permitted.

11 20. **Therapy or Counseling Program.** Respondent, at her expense, shall
12 participate in an on-going counseling program until such time as the Board releases her from this
13 requirement and only upon the recommendation of the counselor. Written progress reports from
14 the counselor will be required at various intervals.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ron Kaldor. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 02/24/06


DIANE ELIZABETH GEORGE (Respondent)
Respondent

I have read and fully discussed with Respondent DIANE ELIZABETH GEORGE the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/24/06


RON KALDOR
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 2/24/06

BILL LOCKYER, Attorney General
of the State of California

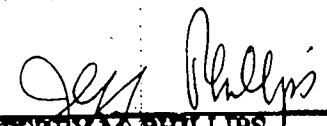

JEFFREY M. PHILLIPS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 2005-206

ORIGINAL

BILL LOCKYER, Attorney General
of the State of California
JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-6292
Facsimile: (916) 322-8288

Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2005-206

**DIANE ELIZABETH GEORGE aka
DIANE ELIZABETH OLIVERSON**
1015 Fulton Avenue #132
Sacramento, California 95825

A C C U S A T I O N

Registered Nurse License No. 481913

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the
Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

License History

2. On or about August 31, 1992, the Board of Registered Nursing issued
Registered Nurse License Number 481913 to DIANE ELIZABETH GEORGE ("Respondent")
also known as DIANE ELIZABETH OLIVERSON. The license was in full force and effect at
all times relevant to the charges brought herein and will expire on June 30, 2006, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 states, in pertinent part:

(a) Unprofessional conduct,

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

8. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, . . . or furnished pursuant to a drug order issued by a certified nurse-midwife . . . , a nurse practitioner . . . , or a physician assistant. . . .

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1 9. Health and Safety Code section 11173, state in pertinent part:

2 (a) No person shall obtain or attempt to obtain controlled substances, or
3 procure or attempt to procure the administration of or prescription for controlled
4 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
5 concealment of a material fact.

6 10. Code section 125.3 provides, in pertinent part, that the Board may request
7 the administrative law judge to direct a licensee found to have committed a violation or
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
9 and enforcement of the case.

10 11. **DRUGS**

11 "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate, also
12 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and
13 Safety Code section 11056, subdivision (e)(4), and 500 mg. acetaminophene per tablet.

14 **CAUSE FOR DISCIPLINE**

15 **(Obtained, Possessed and Self-Administered a Controlled Substance)**

16 12. Respondent is subject to disciplinary action under Code section 2761,
17 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
18 subdivision (a), in that in or about June 1995, through approximately July 1995, while on duty as
19 a registered nurse for Humboldt Home Health Services in Eureka, California, Respondent
20 committed the following acts:

21 a. Respondent obtained unknown quantities of Vicodin, a Schedule III
22 controlled substance, for her own personal use, by fraud, deceit, misrepresentation or subterfuge
23 by diverting Vicodin from her patients, in violation of Health and Safety Code section 11173,
24 subdivision (a).

25 b. Respondent possessed unknown quantities of Vicodin, a Schedule III
26 controlled substance, without a valid prescription, in violation of Code section 4060.

27 c. Respondent self-administered unknown quantities of Vicodin, a Schedule
28 III controlled substance, without direction from a licensed physician and surgeon, dentist or
29 podiatrist.


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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 481913 issued to DIANE ELIZABETH GEORGE aka DIANE ELIZABETH OLIVERSON.
2. Ordering DIANE ELIZABETH GEORGE aka DIANE ELIZABETH OLIVERSON to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/9/05


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant